

NOTICE OF CORRECTION

From: Clerk's Office

Case Style: Piggott et al v. Gray Construction, Inc.

Case Number: 2:06-cv-01158-MEF

Referenced Pleading: Motion for leave to file Second Amendment to cmp - Doc. 125

This Notice of Correction was filed in the referenced case this date to correct the PDF documents attached to this notice. Please see the correct PDF documents to this notice.

IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT ALABAMA

JENNIFER & SLADE PIGGOTT,

Plaintiffs,

vs.

GRAY CONSTRUCTION, INC.; GNF
ARCHITECTS AND ENGINEERS,
P.S.C; FREELAND-HARRIS
CONSULTING ENGINEERS OF
GEORGIA, INC.; and FREELAND-
HARRIS CONSULTING ENGINEERS
OF KENTUCKY, INC.,

Defendants.

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CASE NUMBER: 2:06CV-1158-MEF

PLAINTIFFS' MOTION FOR LEAVE TO FILE
PLAINTIFFS' SECOND AMENDMENT TO COMPLAINT

Plaintiffs request the Court grant them leave to file Plaintiffs' Second Amendment to Complaint asserting additional claims against Gray Construction, Inc. ("Gray"), and to add Defendants GNF Architects and Engineers, P.S.C., ("GNF"), Freeland-Harris Consulting Engineers of Georgia, Inc., (Freeland-Harris-Georgia"), and Freeland-Harris Consulting Engineers of Kentucky, Inc., ("Freeland-Harris-Kentucky") (collectively, referred to as "Freeland-Harris").

In accordance with this Court's Order of September 14, 2007, Plaintiffs request that the Court grant them permission to amend their complaint and to file Plaintiffs' Second Amendment to Complaint. Plaintiffs intend to strike the original Complaint, to withdraw the First Amendment to Complaint, and to file Plaintiff's Second Amendment to Complaint in lieu thereof. (See attached Exhibit "A".)

In support of this Motion, Plaintiffs state the following:

1. On October 17, 2006, Plaintiff Jennifer Piggott was an employee of Hwashin in Greenville, Alabama, and while performing her duties at her desk in the office of Hwashin, the roof of the office collapsed on Jennifer Piggott which caused her to be severely injured.

2. Defendant Gray contracted with Hwashin to design and build the Hwashin facility in Greenville, Alabama.

3. Defendant Gray was the general contractor and was responsible for the overall construction of the Hwashin facility, including inspection and supervision of work performed by other contractors.

4. Defendant GNF was hired by Gray to provide architectural design services relating to the roofs and drainage system for the roofs for the Hwashin Facility. As "Architect of Record," Defendant GNF was responsible for coordination of the design components of the Hwashin facility.

5. Defendant GNF entered into a contract for Defendant Freeland-Kentucky to provide structural engineering services for the construction of the Hwashin facility, including the design and support structure of the roofs. Defendant Freeland-Kentucky subcontracted with Defendant Freeland-Georgia to provide structural engineering services for the construction of the Hwashin facility, including the design and structure support structure of the roofs.

6. Defendant Gray was responsible for hiring qualified contractors who were properly trained to perform the work, for hiring qualified architects and qualified engineers, and for supervising all contractors which it hired to perform work and/or to

provide services or materials in relation to the construction of the Hwashin facility, including the roof.

7. Defendant Gray was responsible for overseeing all work performed by the contractors, which Gray hired to design and/or to build the Hwashin facility.

8. Defendant Gray had a duty to properly design and/or properly build the Hwashin facility, including the roof, with an adequate support structure and adequate drainage systems and to use materials which could withstand the elements of weather.

9. Defendant Gray had a duty to ensure that the roof and support structure was constructed in such a manner to prevent it from collapsing on persons who worked at Hwashin, including Plaintiff Jennifer Piggott, during heavy rain.

10. Defendant Gray had a duty to supervise and/or inspect the work performed by the contractors which Defendant Gray hired to design and/or to perform work, to provide materials, to provide services, and/or to provide any other component or service for the roof construction, including the support structure and drainage systems.

11. Defendant Gray had a duty to properly inspect the roof, the structure support and the drainage systems of the Hwashin facility, including the office building, during construction and at the completion of construction to determine whether it was adequate and/or was capable of withstanding the elements, including rain and wind.

12. Defendant Gray Construction had a duty to enforce safety policies and/or to require compliance with all state and federal standards and regulations regarding construction, including the roof and drainage systems of the Hwashin facility.

13. Plaintiffs request the court allow them to amend their complaint to assert allegations that Defendants Gray, GNF and Freeland-Harris negligently or wantonly failed to use due care in its design, engineering and construction of the Hwashin facility.

WHEREFORE, Plaintiffs requests this Court grant them permission to file Plaintiffs' Second Amendment to Complaint attached to this Motion as Exhibit "A".


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CERTIFICATE OF SERVICE

I hereby certify that I have served a copy of the foregoing document upon all counsel of record as listed below by placing a copy of same in the United States Mail, first class, postage prepaid on this the 21st day of September 2007.


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